

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW MEXICO**

**MICHAEL TINKHAM**

**Plaintiff,**

**v.**

**Case No.**

**CORIZON HEALTH SERVICES,  
ELKE JACKSON, H.S.A.,  
KATHY ARMIJO, H.S.A,  
GEO GROUP, INC.,**

**Defendants,**

**NOTICE OF REMOVAL**

Corizon, Incorporated (hereinafter “Defendant”) by and through its counsel of record, Chapman and Charlebois, P.C., (Nicole M. Charlebois and Lindsey R. Fooks), hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and in support thereof, states as follows:

1. Plaintiff Michael Tinkham (“Plaintiff”) filed his Amended Complaint for medical negligence (“Complaint”) in the Fourth Judicial District, Guadalupe County, State of New Mexico, in Cause No. D-424-CV-2014-16 (hereinafter “State Court Action”) on May 15, 2014. *See* Plaintiffs’ Amended Complaint, hereto attached as Exhibit A.

2. Defendant was served with the Summons and Amended Complaint by U.S. Mail on May 27, 2014, hereto attached as Exhibit B.

3. Plaintiff brings claims and allegations that Defendant violated his Eighth Amendment right to be free from cruel and unusual punishment. Exhibit A at p. 3, paragraph numbered 2.

4. Plaintiff brings claims based violation of the Eighth Amendment, stating he has suffered damages due to “Defendants knowingly [sic] and deliberate indifference to my medical needs and total disregard for my life.” Exhibit A at p. 3, paragraph numbered 2.

5. Plaintiff’s claims and allegations arise under the United States Constitution and federal law, and thus this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

6. This matter may be removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1331 federal question.

7. Less than thirty (30) days have passed since Defendant was served the initial pleadings on this matter. *See* Exhibit B.

8. Defendants Elke Jackson, HSA, Kathy Armijo, HSA and The GEO Group, Inc. have not yet been served, their consent to this removal was therefore not sought or required.

9. By and through this Notice of Removal, Defendant removes all claims asserted against it on the basis of federal question jurisdiction, which is conferred upon this Court pursuant to 28 U.S.C. § 1331.

10. This Court has jurisdiction over the parties in this case pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being served upon the Plaintiff on this date.

12. Defendant is filing a Notice of Filing Notice of Removal in the state court action, a copy of which is attached to this Notice as Exhibit C. The Notice of Filing Notice of Removal is being filed concurrently with this Notice in the State Court Action pursuant to 28 U.S.C. § 1446(d).

13. A copy of the “Register of Actions” in the State Court Action is attached to this Notice as Exhibit D.

14. Pursuant to 28 U.S.C. § 1446(a) and D.N.M.LR-CIV. 81.1(a), all process, pleadings, and orders received by Defendant in the State Court Action will be separately filed with this Court in a Transmittal of State Court Record within twenty-eight days (28) of this Notice.

15. A Civil Cover Sheet is attached as Exhibit E.

**WHEREFORE**, the removing Defendant gives notice the above-styled action, which was pending in the Fourth Judicial District, Guadalupe County, State of New Mexico, as Cause No. D-424-CV-2014-16 is removed to this Court.

Electronically Filed,

**CHAPMAN AND CHARLEBOIS, P.C.**

/s/Lindsey R. Fooks, Attorney at Law

Nicole M. Charlebois

Lindsey R. Fooks

P.O. Box 25286

Albuquerque, NM 87125

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nicole@cclawnm.com

lindsey@cclawnm.com

I HEREBY CERTIFY that on the 20<sup>th</sup> day of June, 2014, I filed the foregoing electronically through the CM/ECF system. I further certify that on such date I mailed the foregoing pleading, on the following non-CM/ECF participant to be served by U.S. mail:

Michael Tinkham, #384162  
Guadalupe County Correctional Facility  
P.O. Box 520  
South Hwy. 54, Exit 3B  
Santa Rosa, New Mexico 88435

/s/Lindsey R. Fooks, Attorney at Law